

## **REMARKS**

### **Claim Objections**

The Examiner objected to Claim 49 because the claim was labeled as “Original”, rather than “Withdrawn.” The foregoing amendment corrects the label associated with Claim 49.

### **Request for Information Under 37 CFR § 1.105**

The Examiner requested information regarding use of the claimed invention. The inventor has been unavailable due to personal reasons and the Assignee has been unable to otherwise obtain the requested information. The Assignee believes that the information can be obtained shortly and will provide the information as soon as it is obtained.

### **Claims 1-2, 5-8, 11-13 and 15 are Distinguishable from *Cohen***

The Examiner rejected Claims 1-2, 5-8, 11-13, and 15 under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,236,330 to *Cohen* (“*Cohen*”). In particular, the Examiner cited column 4, lines 6 through 65 and alleged that the cited section of *Cohen* describes monitors connected to a mobile display, which monitor location and weather conditions and using the monitored conditions to select a message for display. *Cohen* describes a controller 16 connected to a display 14. As described in Figure 4 and the accompanying text, a separate controller is associated with each display. The controller receives program data, display message content and scheduling data from a station 20. The controller determines the geographic location associated with the display and receives information about conditions associated with the display, such as outside temperature, weather, pedestrian and/or vehicular traffic. The controller uses the information received from the station, the location of the display and the detected conditions to select a message for display.

The claimed invention describes determining real-time weather data for a plurality of geographic locations associated with a plurality of devices. When the real-time weather data

differs for the different locations, different data is provided to the different devices. *Cohen* does not describe receiving real-time weather data for a plurality of geographic locations. The controller described by *Cohen* only receives information about the geographic location of the display connected to the controller and thus, only provides messages for a single display. The amendments to Claims 1 and 11 clarify that the claimed invention provides customized data to a plurality of consumer devices. *Cohen* only describes providing messages to a single display.

**Claims 3-4, 9-10, 14, and 38-43 are Distinguishable from *Cohen* and *Schwoegler***

The Examiner rejected Claims 3-4, 9-10, 14, and 38-43 under 35 U.S.C. § 103(a) as being unpatentable over *Cohen* in view of U.S. Patent No. 6,590,529 to *Schwoegler* (“*Schwoegler*”). With respect to Claim 38, the Examiner alleged that *Cohen* describes monitoring weather at a user’s location and *Schwoegler* describes associating recommendations with a trigger, determining triggerable conditions and transmitting alerts to the user.

*Schwoegler* describes that a user can set an optional alarm which will provide an alert to the user of impending precipitation or lightning for “up to one hour in advance of the event.” In response to receiving the alarm setting, the system collects information about the user, such as device phone number and location, and then monitors the location. Column 7, lines 27 through 35. *Schwoegler* describes “automatic alerts,” which are “alarms customized to the user,” but does not provide any details of how these alerts are implemented. *Schwoegler* provides an example of an automatic alert that provides information about lightning in a 10-mile safety area to a lineman working on a utility pole. It is believed that the automatic alerts work the same way as the other alerts with respect to having the system monitor a specific location, but that the time frame and size of the region monitored may be customized.

In contrast, the claimed invention determines the consumers’ geographic locations and monitors those locations so that multiple locations are monitored for multiple triggerable

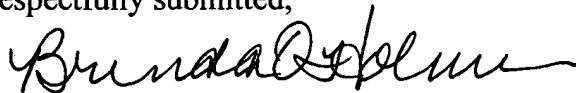
conditions. *Schwoegler* only monitors for certain conditions in response to receiving an alarm setting, whereas the claimed invention monitors the locations associated with the consumers. As described in the specification on page 34, lines 11-13, even if the recommendations engine does not receive a request, it can still provide advice to customers.

The Examiner alleged that it would have been obvious to combine the monitoring of actual weather conditions described by *Cohen* and the weather-based recommendations described by *Schwoegler* to provide useful critical weather-based recommendations. *Schwoegler* describes a subsystem 50 that can be a component of a cellular telephone service provider's command base or sub-base station or switching subsystem. Column 5, lines 54 through 57. The subsystem is operable with a number of wireless devices, such as cellular telephones. In contrast, *Cohen* describes providing a message to a single display. The message is not provided in response to a user's request but is based on other parameters. There is no teaching in either *Cohen* or *Schwoegler* as to how the dedicated controller of *Cohen* could work with the cellular switching subsystem of *Schwoegler*. Thus, it is submitted that there is no motivation to combine the references in the manner suggested by the Examiner.

### CONCLUSION

In light of the foregoing, it is respectfully submitted that the claims are distinguishable from the cited references. If there are any issues that can be resolved via a telephone conference, the Examiner is invited to contact Brenda Holmes at 404.685.6799.

Respectfully submitted,



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